

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**EIGHT THOUSAND FIVE HUNDRED
AND 00/100 DOLLARS (\$8,500.00)
IN UNITED STATES CURRENCY,**

Defendant.

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**Case No. CV2-10-032
JUDGE MARBLEY**

ORDER

This matter is before the Court on Plaintiff's Motion to Strike the Verifiable Statement of Interest (Claim) filed by Scott Heffner pursuant to Rule G(8)(c) (Dkt. 10). Scott Heffner filed his claim on March 1, 2010, asserting an interest in the Defendant Currency as property he lawfully earned (Dkt. 7). Under Fed. R. Civ. P. Supp. R. G(5), a person asserting an interest in the defendant property must not only file a claim, but "must serve and file an answer to the complaint...within 21 days after filing the claim." *Id.* at G(5)(b). Mr. Heffner has failed to file an answer, despite notice from the Plaintiff that an answer was required, and two extensions on the 21 day filing requirement. (Pl. Ex. A). Under Sixth Circuit law, Rule 8(G) requires strict compliance. *United States v. \$5,730.00 in United States Currency*, 109 Fed. Appx. 712, 713 (6th Cir. 2004). Accordingly, pursuant to Fed. R. Civ. P. Supp. R. G(8)(c), the Plaintiff's Motion to Strike is **GRANTED**.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
United States District Judge

DATED: May 25, 2010